

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-18 are pending in the present application, Claims 1-18 having been currently amended. Support for amended Claims 1-18 can be found, for example, in the claims, drawings, and specification as originally filed. No new matter has been added.

In the outstanding Office Action, Claims 15-18 were rejected under 35 U.S.C. § 101; and Claims 1-18 were rejected under 35 U.S.C. § 102(b) as anticipated by Akachi (U.S. Patent No. 7,069,436).

As an initial matter, Applicant notes that the outstanding Office Action examined and rejected the claims that were originally filed in this case, rather than the claims amended by the Article 19 amendment filed October 1, 2007. After initially contacting the Examiner on July 18, 2008, and identifying the mistake, Applicant was encouraged to assume that the outstanding Office Action was based on the claims contained in the Article 19 amendment. Therefore, the following response is directed towards the amended claims of October 1, 2007, rather than the claims addressed in the outstanding Office Action.

Regarding the 35 U.S.C. § 101 rejection, Claims 15-18 have been amended to define a computer readable storage medium in which a program is recorded that causes a terminal to execute a method. MPEP 2106 IV.B.1(a) states that:

A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

In view of the presently submitted claim amendments and foregoing comments Applicant respectfully submits that Claims 15-18 define statutory subject matter.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 1-18 under 35 U.S.C. § 102(b) as anticipated by Akachi, Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

Amended Claim 1 is directed to a wireless ad-hoc communication system including, *inter alia*:

...a first terminal configured to encrypt a payload of a broadcast frame and to transmit the broadcast frame; and  
a second terminal configured to receive the broadcast frame and to decode the payload of the broadcast frame,  
wherein the first terminal is configured to encrypt the payload of the broadcast frame ***using a broadcast encryption key assigned to the first terminal***, and  
the second terminal is configured to decode the payload of the broadcast frame using the broadcast encryption key assigned to the first terminal.

Independent Claims 4-18 recite substantially similar features. Thus, the arguments presented below with respect to Claim 1 are also applicable to independent Claims 4-18.

Akachi describes a data processing device for transmitting encrypted data.<sup>1</sup> Akachi further describes that a private key is given to subscribers and that a transmitter encrypts broadcast data using the private key and transmits the encrypted data to the subscribers.<sup>2</sup>

However, Akachi fails to teach or suggest “a first terminal configured to encrypt a payload of a broadcast frame and to transmit the broadcast frame; and a second terminal configured to receive the broadcast frame and to decode the payload of the broadcast frame, wherein the first terminal is configured to encrypt the payload of the broadcast frame ***using a broadcast encryption key assigned to the first terminal***, and the second terminal is

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<sup>1</sup> See Akachi, Abstract.

<sup>2</sup> See Akachi, column 1, lines 23-29.

configured to decode the payload of the broadcast frame *using the broadcast encryption key assigned to the first terminal*,” as is recited in amended Claim 1.

Specifically, Akachi fails to teach or suggest that the first terminal is configured to encrypt the payload of the broadcast frame *using a broadcast encryption key assigned to the first terminal*. In contrast to Applicant’s claimed invention, Akachi describes that the transmission processing device 13 encrypts the read data using a private key that matches the MAC address of an information processing device 22 that is the *transmission destination*.<sup>3</sup> The MAC address of the transmission destination, however, is not equivalent to a broadcast encryption key assigned to the first terminal, i.e. the transmitting device in Applicant’s Claim 1.

Further, column 1, lines 23-27 of Akachi describe that a private key is given in advance to subscribers who have signed a contract for reception, but does not describe that the private key is assigned to a first terminal which encrypts a payload of a broadcast frame, as in Claim 1.

Therefore, for at least the above noted reasons, Applicant respectfully submits that independent Claims 1 and 4-18 (and claims depending thereon) patentably distinguish over Akachi.

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<sup>3</sup> See Akachi, column 5, lines 64-67.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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